

Ordinance No. 5-1-10

SC COPY

The Village Board of the Village of LaFarge ordains as follows:

Section 1: Municipal Court Created

Pursuant to section 66.0301 and the authority granted by Chapter 755 of the Wisconsin Statutes, there is hereby created and established a Joint Municipal Court to be designated "Municipal Court for the Village of LaFarge, Village of Cashton, and the City of Westby", said court to become operative and function on October 1st, 2024.

Section 2: Municipal Judge

(a) **Qualifications:** The Joint Court shall be under the jurisdiction of and presided over by a Municipal Judge who resides in one of the municipalities that is a party to the agreement forming this joint court.

(b) **Oath and Bond:** The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in §757.02(1). WI Stats, and at the same time execute and file an official bond in the amount of \$10,000.00. The court clerk shall also be bonded for \$10,000. The Judge shall not act until the oath and bond have been filed as required by §19.01(4)(c) WI Stats., and the requirements of §755.03, WI Stats., have been complied with.

(c) **Salary:** The salary of the Municipal Judge shall be fixed by the Common Council or Village Board of the municipalities that are parties to the agreement which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or official oath, as required by §755.03, WI Stats., and filed pursuant to §19.01(4)(c) WI Stats. The municipalities may by separate ordinance allocate funds for the administration of the Municipal Court pursuant to §66.0301 WI Stats.

Section 3: Elections

(a) **Term:** The Municipal Judge shall be elected at large in the spring election in even-numbered years for a term of four years commencing on May 1. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in §8.10 WI Stats., and selection at a primary election if such is held as provided in §8.11 WI Stats. The State elections board shall serve as filing officer for the candidates.

(b) Electors: Electors in the Village of LaFarge, Village of Cashton, and the City of Westby, shall vote for Judge.

Section 4: Jurisdiction

- (a) The Municipal Court shall have jurisdiction over incidents occurring on or after the date of establishment of the Court, as provided in Article VII §14 of the Wisconsin Constitution, §755.045 and §755.05 WI Stats., and otherwise provided by State Law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to the agreement seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.
- (b) The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court under §755.045(92), §66.0119 WI Stats.
- (c) The Municipal Court has jurisdiction over juvenile offenders when a municipality that is party to the agreement enacts an ordinance under the authority of §938.17(2)(cm), WI Stats.

Section 5: Municipal Court hours, clerks

- (a) Hours: The Municipal Court shall be open at such location and such times as determined by the governing bodies of the municipalities that are parties to the agreement and the Municipal Judge.
- (b) Employees: The Judge shall, in writing, appoint such clerks and deputy clerks as are authorized by the Village of LaFarge, Village of Cashton, and City of Westby.

Section 6: Collection of Forfeitures and Costs

The Municipal Judge may impose punishment and sentences as provided by Chapters 800 and 938 WI Stats., and as provided in the ordinances of the municipalities that are parties to the agreement. All forfeitures shall be paid to the Treasurer of the Municipality within which the case arose within 14 days after receipt of the money by the Municipal Court. At the time of payment, the Municipal Court shall report to the treasurer the title of the action and the total amount of judgements imposed in actions and proceedings in which monies were collected with a numbered receipt copy.

Section 7: Contempt of Court

The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may impose a sanction authorized under §800.12 WI Stats. and may impose a forfeiture not to exceed fifty dollars (\$50) plus costs, fees, and surcharges under §800.12(1) or upon nonpayment of the forfeiture and assessments thereon, a jail sentence not to exceed seven (7) days.

Section 8: Abolition; Withdrawal

The Municipal Court hereby established shall not be abolished while the agreement between Village of LaFarge, Village of Cashton, and the City of Westby, is in effect.

Section 9: Municipal Court Committee

- (a) ORGANIZATION. Except for matters required by statute to be determined by the respective governing bodies or member municipalities, the general operation of the court shall be by the Judge and the Municipal Court Committee.
- (b) MUNICIPAL COURT COMMITTEE.
- (1) Composition and terms. The Municipal Court committee shall be comprised of one representative of each member municipality who shall be appointed by the City Mayors and the Village Board Presidents, subject to confirmation by the respective governing body.
- (2) Powers and Duties. The Municipal Court committee shall have general control over the operation of the court, except where such control is specifically granted to the Judge or the governing bodies by statute, in which case the Municipal Court Committee shall be a recommending body to the Judge or governing bodies. The Municipal Court Committee shall recommend to the governing bodies of the member municipalities for determination of salary of the judge, the number and salary of such clerks and/or deputy clerks. The Village of Cashton shall cause appropriate accounts to be established for the deposit of all fees, forfeitures, assessments, and costs paid into the court and shall adopt appropriate accounting procedures to ensure proper handling of said funds.

- (3) The Municipal Court shall, with the assistance of the Judge and court clerk, prepare an annual budget for the operation of the court. The budget shall be for a calendar year, i.e. January 1 through December 31. The Municipal Court Committee shall cause an annual audit of court accounts to be completed no later than June 30th of each year.
- (4) The Municipal Court Committee may establish any subcommittees necessary for the efficient operation of the court, such as a personnel committee and/or operating sub-committee.
- (5) Voting and Procedure. The Municipal Court Committee shall be governed by Roberts Rules of Order and a majority vote of all representatives of the Municipal Court Committee shall be required to adopt any motion or resolution. Two (2) members shall constitute a quorum.

(c) BUDGET; EXPENDITURES.

(1) Time and approval. The Municipal Court Committee and court clerk shall with the assistance of the Judge, formulate a budget annually, no later than October 1st of each year for the next succeeding year. The members of the committee shall present said budget to their respective governing bodies for approval. The budget shall be approved annually by the governing bodies no later than December 15th. Approval by a majority of the member municipalities shall constitute approval of the budget.

(2) Court Costs. One hundred percent (100%) of the local share of the court costs required to be collected pursuant to Section 814.65(1) WI Stats., shall be retained by the court to be applied to the operating expenses of the court.

(3) Court Operating Expenses. Any net operating expenses incurred after application of the local share of the court costs shall be charged by percentage agreed to by the Municipal Court Committee to each member municipalities based upon each municipality's population provided by the State of Wisconsin.

(4) Initial Court Operating Expenses. Prior to initial commencement of the joint municipal court, the Municipal Court Committee and court clerk, with the assistance of the Municipal Judge, shall adopt a budget for said court for the period of January 1 through December 31 for the following year. Each charge will be paid by the member municipalities at the end of said year based on expenses incurred over or under budgeted amounts. In addition, the cost of any initial equipment and the initial supplies necessary to begin operations shall be so apportioned between the member municipalities.

Section 10: Inconsistent ordinances repealed.

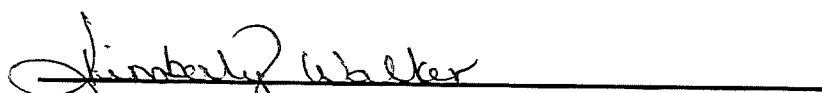
All ordinances or parts of ordinances contravening or inconsistent with the provisions of this ordinance are hereby repealed.

Section 11: Effective upon publication or posting.

This ordinance shall take effect and be in full force and effect from and after its passage by the municipalities that are parties to the agreement and publication or posting as required by law.



Frank Quinn, Village of LaFarge President



Kimberly Walker, Village of LaFarge Clerk